



(FW) 1652

PATENT
Attorney Docket 044508-5003-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Michael Daly et al.**

Application No. 10/089,175

Filed: **August 07, 2002**

Group Art Unit: **1652**

Examiner: **Pak, Yong D.**

For: **Engineered Radiation Resistant Bioremediating Bacteria**

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

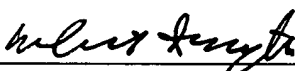
1. Transmitted herewith is a Response to Office Action dated August 24, 2005.
2. Additional Documents Attached:
 - (i) Declaration under 37 C.F.R. 1.131 with Exhibit
 - (ii) Journal publication by Brim *et al.* (2003) Appl. Environ. Microbiol. (2003) 69, 4575-4582
3. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants believe that no extension of time is necessary. In the event however that such extension is necessary, the Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
4. Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	19	minus	41	0	\$50.00 each=	0.00
Independent Claims	3	minus	3	0	\$200.00 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						0.00
Reduction by 1/2 for filing by a small entity						0.00
Total Fee =						\$0.00

5. Fee Payment: The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 for payment of any fees which the Office believes are due.
6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **November 23, 2005**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted
Morgan, Lewis & Bockius LLP



Robert Smyth
Registration No. 50,801